

IMPLEMENTATION OF LAW ENFORCEMENT AGAINST HATE SPEECH THROUGH SOCIAL MEDIA IN ELECTION CAMPAIGN ACTIVITIES IN THE JURISDICTION OF THE CENTRAL KALIMANTAN REGIONAL POLICE

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Abstract

Social media has become a primary tool for election campaigns in Indonesia, but it has also fueled the rise of hate speech practices that have the potential to disrupt democracy and social stability. This study aims to analyze the implementation of law enforcement against hate speech through social media in election campaign activities within the jurisdiction of the Central Kalimantan Regional Police and to identify the obstacles faced by law enforcement officers. The research method used is empirical juridical with a descriptive approach through literature studies and interviews with the Central Kalimantan Regional Police. The results of the study indicate that the implementation of law enforcement against hate speech through social media in election campaign activities within the jurisdiction of the Central Kalimantan Regional Police is carried out through three main approaches: preventive, pre-emptive, and repressive. Preventive efforts are carried out through legal socialization, digital literacy education, and cyber patrols. Pre-emptive efforts are carried out through early detection of potential violations and coordination with Bawaslu, KPU, and Kominfo. Meanwhile, repressive efforts are carried out through investigations, inquiries, and prosecutions based on the law. However, this implementation is less effective and still faces several obstacles. Preventive efforts face challenges such as weak outreach and early monitoring, preemptive efforts face challenges such as a lack of early detection and a structured persuasive approach, and repressive efforts face challenges such as technical digital evidence and inconsistent law enforcement. These challenges indicate that the Central Kalimantan Regional Police (Polda Kalteng) still faces several shortcomings in handling hate speech cases on social media during election campaigns. These challenges stem from unclear and overlapping regulations between election criminal provisions, the Electronic Information and Transactions Law, and technical regulations governing election organizers, leading to differing interpretations among law enforcement agencies. Therefore, it is necessary to strengthen inter-agency coordination and increase the capacity of law enforcement officers to handle hate speech cases during election campaigns so that they can be implemented effectively and fairly.

Keywords: *Hate Speech, Election Campaign, Social Media, Law Enforcement*

INTRODUCTION

Entering the 2024 political contest, unrest and mutual attacks, including hate speech, between supporters of presidential and vice-presidential candidates and their supporting political parties have begun to flare up, especially on social media. From a legal perspective, hate speech is any word, behavior, writing, or performance that is prohibited or prohibited because it can trigger acts of violence and prejudice. ¹Amidst the heated political climate in Indonesia in the 2024 election, many issues have emerged, such as dynastic politics, corruption of public officials, and so on. This certainly creates new opportunities for buzzers to find fault with their political opponents to weaken their electability. Buzzers often engage in mutual attacks on social media by posting things related to hate speech against the opponents of the candidates they support. This behavior can certainly damage the democratic climate and can also influence society and no longer be able to distinguish between true and false news. Worst case, this influence

¹ Eki Baihaki, 2023, *Hate Speech in a Political Year*, <https://nasional.kompas.com/read/2023/05/27/07000001/ujaran-kebencian-pada-tahun-politik>

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can cause society to become divided or polarized due to differing political views.² In 2024, Indonesia will hold a simultaneous General Election (hereinafter referred to as the Election) consisting of the election of presidential and vice-presidential candidates. In addition, the Indonesian people will also elect legislative members. The 2024 elections will take place at the village/sub-district, sub-district, city/regency, provincial, and provincial levels, as well as for Indonesian citizens residing abroad. This grand event is certainly a significant event for all Indonesians, as it only occurs once every five years. Unfortunately, the spread of hoaxes and hate speech seems to be dogging the continuity of this event. Therefore, it is crucial for the public to be able to select and sort out quality political information to maturely choose future leaders of the country. According to information from the Central Kalimantan Regional Police's Special Criminal Investigation Unit, during the 2014-2019 and 2019-2024 periods, the author summarizes that there were at least several cases handled by the Central Kalimantan Regional Police regarding hate speech during the elections:

Table 1
Data on Hate Speech on Social Media During Election Activities in the Jurisdiction of the Central Kalimantan Regional Police

No.	Year	Many Cases	Settlement	Amount
1.	2014 – 2019	1	Restorative Justice	1
2.	2019 – 2024	3	Restorative Justice	4
		1	Proceed to Court	

Source: Directorate of Special Criminal Investigation, Central Kalimantan Regional Police

Of the several cases handled between 2019 and 2024 regarding hate speech on social media within the jurisdiction of the Central Kalimantan Regional Police, the majority were resolved through restorative justice. In the 2019-2024 elections, a significant number of hate speech cases occurred through social media platforms such as Instagram and TikTok. According to information from the Central Kalimantan Regional Police, particularly in the cyber sector, Crime, Special Criminal Investigation Directorate (hereinafter referred to as Ditreskrimsus) hate speech with the motive of defamation in the political context often occurs during the campaign period. During the 2024 election campaign period, the Central Kalimantan Regional Police through Ditreskrimsus handled a case of spreading hate speech through Facebook posts by a member of the public containing insults because he was dissatisfied with the results of the 2024 Presidential election and uploaded the content every day with different narratives but still leading to hate speech. The perpetrator with the initials R was arrested on March 26, 2024 at his residence in Palangka Raya City, the Ditreskrimsus showed evidence of posts that the perpetrator spread on Facebook, namely the words "If the KPU, Police, TNI survey institutions and Bawaslu lie and cheat, we swear to be cursed in this world and the hereafter along with husband and wife, parents, children and family" from this evidence the perpetrator was threatened with Criminal Acts of Information and Electronic Transactions Article 45 paragraph (2) in conjunction with Article 28 paragraph (2) of Law Number 19 of 2016 amending Law Number 11 of 2008 or Article 14 paragraph (2) of Law Number 1 of 1946 concerning criminal law regulations. Based on the results of the examination, R has admitted all his actions and regretted his actions. The perpetrator was willing to apologize openly, the police implemented restorative justice witnessed by community leaders and the Election Supervisory Agency (hereinafter referred to as Bawaslu). Finally, the case was stopped without a trial process with the aim of maintaining a peaceful election atmosphere. Based on the above case, it can be seen that this resolution method is an alternative to criminal law enforcement, which is essentially retributive. This is certainly interesting to discuss and analyze the implementation of law enforcement against hate speech crimes through social media during election campaign activities in the jurisdiction of the Central Kalimantan Regional Police, along with the obstacles and challenges faced by law enforcement officers when handling hate speech crimes during election campaigns.

² Nugroho Dwisatria Semesta, 2023, *The Buzzer Phenomenon on Social Media Ahead of the 2024 Election*.
<https://timesindonesia.co.id/kopi-times/475509/fenomena-buzzer-di-media-sosial-menjelang-pemilu2024>

LITERATURE REVIEW

Law Enforcement and the Judicial System in Indonesia

hate speech crimes are carried out by the Indonesian National Police based on its authority based on the Republic of Indonesia Law Number 19 of 2016, concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as the ITE Law) for the crime of Hate Speech Crimes regulated in Article 27 paragraph (3) and Article 28 in conjunction with Article 45 paragraph (2). As an implementing regulation of the ITE Law, the Chief of Police then issued Circular Letter Number: SE/06/X/2015 concerning the handling of hate speech crimes.³ Law enforcement for hate speech cases in Indonesia uses a combination of preventive efforts (education, socialization, mediation) and repressive (action through criminal law), especially the ITE Law, with institutions such as the police and prosecutors playing an active role in resolving them. This has challenges in the differences in interpretation, the lack of digital literacy and the need for harmonization between law enforcement and freedom of expression. The success of law enforcement depends heavily on increasing the capacity of officers, collaboration between institutions, public education, and adapting regulations to technological developments.⁴

Hate Speech on Social Media

normative legal perspective, the term "Hate Speech" is mentioned in the Circular Letter of the Chief of Police Number: SE/6/2015 dated October 8, 2015 concerning the handling of hate speech (SE Kapolri). The definition of hate speech regulated in the SE Kapolri consists of criminal acts regulated in the Criminal Code (hereinafter referred to as the Criminal Code) and related criminal law provisions incite and trigger hatred against individuals and groups of people in different communities based on ethnicity, religion, religious beliefs, race, class, skin color, ethnicity, gender, disability and sexual orientation through campaign media, banners, social networks, demonstrations, religious sermons, print and electronic media and distribution.⁵

The scope of hate speech is stated in the Circular Letter of the Chief of Police Number: SE/6/X/2015 concerning Handling of Hate Speech as follows: That hate speech can be a criminal act regulated in the Criminal Code and other criminal provisions outside the Criminal Code, which include:

- 1) Insult
- 2) Defamation
- 3) Blasphemy
- 4) Unpleasant acts
- 5) Incite
- 6) Spread of fake news

And all of the above activities have the aim of causing discrimination, violence, loss of life and social conflict.⁶

During the 2019 election campaign, there were over 200,000 mentions on Twitter containing hate speech targeting presidential candidates Joko "Jokowi" Widodo and Prabowo Subianto, along with their respective vice-presidential candidates. This number represents approximately 0.2% of all election-related tweets in 2019. For comparison, in the 2016 United States Presidential Election, hate speech accounted for between 0.1% and 0.3% of the one billion election-related tweets. As of August 31, 2023, 60 hate speech posts had been shared 6,827 times on X, YouTube, and TikTok. One pseudonymous account, for example, posted hate content describing Ganjar Pranowo as a liar and a pornography addict. Another anonymous account spread negative sentiment about Prabowo Subianto regarding his role in the purchase of used fighter jets, which also sparked public criticism. Anies Baswedan was also the target of hate speech on X. In the 2017 Jakarta gubernatorial election, Anies received significant support from hardline Islamic groups. This was widely believed to be a key factor in his victory.⁷ In Indonesia, the regulation of hate speech in elections is reflected in several rules and regulations that govern campaign behavior and political actions during the election process, as follows:

³ Andy, et al., 2023, "Law Enforcement Against Hate Speech Crimes Through Social Media Reviewed from Law Number 19 of 2016 Concerning Electronic Information and Transactions" *Cahaya Mandalika Journal*.

⁴ *Ibid*.

⁵ Chrisianto, Hwian, 2018, *Criminal acts of hate speech: types and case studies*, Graha Ilmu, p. 2

⁶ Mangantibe, Veisy, 2016, *Hate Speech in the Circular Letter of the Chief of Police Number: Se/6/X/2015 concerning Handling of Hate Speech*. Lex Crimen.

⁷ Sekargati, Jati Savitri, 2024, *Research: Hate speech against presidential candidates increases on social media ahead of the 2024 election*, <https://theconversation.com/riset-ujaran-kebencian-terhadap-capres-meningkat-di-media-sosial-jelang-pemilu-2024-222060>

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1. General Election Commission Regulation Number 15 of 2023 concerning general election campaigns through social media.
2. Election Supervisory Agency Regulation Number 11 of 2023 concerning election campaign supervision of all stages of the election campaign.
3. Law Number 7 of 2017 concerning General Elections
4. Law of the Republic of Indonesia Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.

DISCUSSION

Implementation of Law Enforcement Against Hate Speech Through Social Media in Election Campaign Activities in the Jurisdiction of the Central Kalimantan Regional Police

The development of information and communication technology has certainly had a major impact on the socio-political dynamics in Indonesia, especially during the election campaign period. Social media such as Facebook, Instagram, X (Twitter), and TikTok have become places for the dissemination of political information, which also means opening up space for hate speech to emerge, the impact of which can divide society and cause horizontal conflict. The implementation of law enforcement against criminal acts of hate speech through social media in election activities in the jurisdiction of the Central Kalimantan Regional Police is basically based on the provisions of applicable laws and regulations, especially Law Number 7 of 2017 concerning Elections, Law Number 11 of 2008 concerning ITE in conjunction with Law Number 19 of 2016, and Law Number 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination. In the context of law enforcement related to elections, the Police collaborate with the prosecutor's office and Bawaslu through the Integrated Law Enforcement Center (hereinafter referred to as Gakkumdu) to ensure that every report related to hate speech can be followed up legally. At the regional level, the Central Kalimantan Regional Police are responsible for maintaining security and stability during the campaign period. Through the Directorate of Special Criminal Investigations, specifically the Cyber Unit, the Central Kalimantan Regional Police also monitor social media activity that could potentially lead to hate speech, the spread of fake news, and political provocation. The Central Kalimantan Regional Police's enforcement of hate speech on social media is carried out through three main approaches:

1. Preventive Efforts

Preventive measures are early steps to prevent hate speech from occurring in the digital space. The police are actively carrying out:

- a. Digital socialization and education, not only for the public but also for political parties and campaign volunteers so that they can use social media properly and responsibly.
- b. The police are conducting cyber patrols to monitor content on social media that may potentially violate the law on online platforms.
- c. The police are coordinating with Bawaslu, the General Elections Commission (hereinafter referred to as the KPU), and the Communications and Information Agency to achieve a common understanding of the categories of hate speech and the mechanisms for handling it.

This activity aligns with the National Police Chief's Circular Letter No. SE/6/X/2015, which emphasizes a persuasive and educational approach before taking legal action. However, several shortcomings were identified in its implementation, such as suboptimal coordination with relevant parties, resulting in uneven dissemination of prevention messages. Monitoring of social media content is also limited due to limited human resources and monitoring technology, resulting in much hate speech content slipping through without early intervention.

2. Pre-Emptive Efforts

Preemptive efforts are steps taken to suppress potential violations through early identification of accounts and content that potentially contain hate speech. Through this, the Central Kalimantan Regional Police's Directorate of Special Criminal Investigation (Ditreskrimsus) coordinates with several parties, such as the Elections Supervisory Agency (Bawaslu) to follow up on reports of campaign violations on social media. Together with the General Elections Commission (KPU), they ensure that official election participant accounts are registered and do not spread provocative content. They also work with the Ministry of Communication and Informatics to process blocking or takedowns of problematic content. This step also includes digital tracing of anonymous accounts that frequently spread provocation within the community. However, analysis of accounts, groups, or sensitive issues that have the potential to trigger hate speech has not been carried out systematically and continuously. Furthermore, persuasive approaches to political actors,

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campaign teams, and local influencers are still insufficiently intensive. As a result, early warnings and legal appeals are often late or inaccurate, preventing potential conflict and the spread of hate speech from being effectively prevented from the start.

3. Repressive Efforts

If the two efforts above are unsuccessful and elements of a criminal act are found, the Central Kalimantan Regional Police will carry out repressive law enforcement. The process includes investigations and inquiries based on public reports or cyber patrol findings, collection of digital evidence including screenshots, log files, and metadata, finally determining suspects and coordinating with the prosecutor's office regarding the prosecution process. In enforcing the law, police officers are guided by the provisions of Article 27 paragraph (3) and Article 28 paragraph (2) of the ITE Law as amended by Law Number 1 of 2024, as well as articles in the Criminal Code and Law Number 7 of 2017 concerning General Elections. In carrying out the identification of perpetrators of hate speech, it is often hampered by the use of anonymous accounts, VPNs, and social media servers located abroad. The investigation and inquiry process certainly takes a long time because it must coordinate with platform providers and central agencies. In addition, the inconsistent application of criminal sanctions gives the impression of a lack of firmness and the suboptimal application of the restorative justice approach, causing many small cases to still end up in a lengthy and inefficient formal criminal process.

Inhibiting Factors in Law Enforcement Against Hate Speech Through Social Media in Election Campaign Activities in the Jurisdiction of the Central Kalimantan Regional Police

Despite having a clear legal framework, cross-agency coordination, and information technology support, this law enforcement activity certainly still faces several obstacles in its resolution. The Central Kalimantan Regional Police, especially the Directorate of Special Criminal Investigation, stated that there are several things that are obstacles when this law enforcement is taking place, including:

1. The ambiguity and overlapping regulations between criminal provisions on elections, the ITE Law, and technical regulations on election organizers have given rise to differences in legal interpretation among law enforcers;
2. The limited number of personnel means that the ratio of cyber officers to the area of Central Kalimantan is still not balanced;
3. Technical constraints in digital evidence, such as evidence often being deleted before being secured, make forensic processes and data authentication difficult;
4. The rapid spread of information means that hate speech content can spread in a matter of minutes, while the process of taking action requires time and strong evidence; and
5. The low level of digital literacy in society means that some people do not yet understand that hate speech on social media has legal consequences.

To overcome the above obstacles, the Central Kalimantan Regional Police have begun implementing several strategies, namely:

1. Strengthening coordination and SOPs with election supervisory bodies so that hate speech reports can be followed up immediately without overlapping authority;
2. Implementing a limited restorative justice approach through non-litigation resolution. The Central Kalimantan Regional Police provided a venue for mediation between the perpetrator and victim, resulting in an open apology and content removal as a form of reparation.
3. Increasing the capacity of cyber human resources through intensive training related to cyber investigation and digital evidence management;
4. Develop an online reporting system so that the public can report hate speech directly through the official website to speed up the initial verification process;
5. The Central Kalimantan Regional Police are also striving to educate the general public through the "Wise Social Media" program and in collaboration with educational institutions and local digital communities; and
6. Collaborate with local media and influencers to spread peaceful messages on social media and suppress potential hate speech during the campaign.

In general, law enforcement against hate speech on social media during campaign activities within the jurisdiction of the Central Kalimantan Regional Police has been effective normatively, but substantively and culturally. Normative effectiveness is evident in the legal basis, institutional structure, and enforcement procedures. However, substantive effectiveness remains hampered by limited resources and weak public literacy. The Central

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Kalimantan Regional Police certainly need to strengthen cross-sector coordination, increase the capacity of cyber personnel, and expand public digital literacy programs so that law enforcement is not only repressive but also able to prevent the emergence of further hate speech in the future.

CLOSING

Conclusion

Based on the results of research and discussion regarding the Implementation of Law Enforcement Against Hate Speech Through Social Media in Election Campaign Activities in the Jurisdiction of the Central Kalimantan Regional Police, the following conclusions can be drawn:

1. Law enforcement against hate speech through social media during election campaigns within the jurisdiction of the Central Kalimantan Regional Police has been implemented through three main approaches: preventive, preemptive, and repressive. These three efforts are implemented in stages. Preventive efforts include legal outreach, digital literacy education, public appeals and election participants, and cyber patrols to prevent violations. Preemptive efforts involve early detection of potential hate speech, mapping of dangerous issues, and a persuasive approach and warnings to relevant parties before violations occur. Repressive efforts, on the other hand, involve law enforcement through investigations, prosecutions, prosecution of perpetrators, and the imposition of sanctions in accordance with statutory provisions. However, this implementation has been less effective and still faces several obstacles. Preventive efforts are hampered by weak outreach and early oversight; preemptive efforts are hampered by a lack of early detection and a structured persuasive approach; and repressive efforts are hampered by technical constraints in digital evidence and inconsistent law enforcement.
2. This situation indicates that the Central Kalimantan Regional Police still face several shortcomings in their handling of hate speech cases on social media during the election campaign period. The limited number of investigators with specialized expertise in cybercrime and digital forensics often hinders the handling of cases involving electronic evidence, anonymous accounts, and quickly deleted content. Furthermore, limited equipment is also a contributing factor to the slow and suboptimal evidence-gathering process. Furthermore, coordination between the police, Elections Supervisory Agency (Bawaslu), and the prosecutor's office has not been fully effective, particularly in terms of aligning views regarding the criminal elements of hate speech and the completeness of evidence. This situation is exacerbated by political sensitivities during the campaign period, which can potentially lead to excessive caution in law enforcement. As a result, many hate speech reports stop at the clarification stage and do not proceed to the investigation process, creating obstacles to effective and equitable law enforcement.

Suggestion

Based on field case handling practices, the Central Kalimantan Regional Police certainly need to strengthen the technical capabilities of investigators in handling hate speech on social media, including tracking anonymous accounts and securing electronic evidence, particularly during election campaigns. Limited digital forensic expertise and facilities have been shown to hamper the investigation process, particularly in election campaign cases, which have a short and limited timeframe. Furthermore, coordination within the Gakkumdu Center also needs to be improved, as differences in interpretation of criminal elements and the completeness of evidence often lead to reports being left unprosecuted. Strengthening coordination, internal oversight, and public involvement in reporting are crucial steps to ensure effective handling of hate speech cases and provide legal certainty during the election campaign period.

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